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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,077	03/26/2001	Shigeyuki Nishitani	501.39894X00	7137

20457 7590 09/15/2003

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EXAMINER	
NGUYEN, CHANH DUY	
ART UNIT	**PAPER NUMBER**
2675	8

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/816,077	NISHITANI ET AL.	
	Examiner	Art Unit	
	Chanh Nguyen	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *15-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *15 October 2001* is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of invention I (Claim 1-14) in Paper No. 7 is acknowledged. The traversal is on the ground(s) that Figures 1 and 15 of the drawings which discloses utilization of the claimed feature together. This is not found persuasive because the gradation correction can be performed without backlight control, and the display device has backlight is not necessary having a gradation correction section. Furthermore, gradation and backlight are separately classified into two sub-classes 345/89 and 345/102. If both always use together, then one of the sub-classes should not be presented in the U.S classification.

The requirement is still deemed proper and is therefore made FINAL.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The references listed on the Information Disclosure Statement filed on March 26, 2001 have been considered by examiner; see attached PTO-1449.

Response to Preliminary Amendment

4. The preliminary amendment and substitute specification filed on October 15, 2001 have been entered by examiner.

Drawings

5. The proposed amendment to the drawings filed on October 15, 2001 have been approved by examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical AmendmentsAct of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogawa (U.S. Patent No. 6,084,567).

As to claim 1, Ogawa discloses a liquid crystal display device (see column 2, lines 50-52 and column 7, lines 61-62) for displaying video data including an input video

data characteristic detection section (3) for detecting a luminance characteristic to the gradation of the inputted video data, a gradation correction section (1) for correcting the gradation in accordance with the luminance characteristic and a liquid crystal panel (see column 2, lines 50-52 and column 7, lines 61-62) for displaying the corrected gradation.

This is unlike applicant's disclosed device, this reads on broad claimed language.

As to claim 9, Ogawa teaches detecting the luminance of a whole display screen. This reads on the limitation plural frames of the inputted video data as broad claimed language.

As to claim 11, Ogawa clearly teaches a luminance signal generation section (e.g., luminance of the image display device; see column 1, lines 1-40) for generating luminance data of the inputted video data and the input video image characteristic detection (3) section detecting the gradation characteristic based on the luminance data.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2-8, 10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of Tsuji et al (E.P. 0,516,084).

As to claim 2, note the discussion of Ogawa above, Ogawa does not mention the limitation "correcting the gradation such that gradation of higher generation frequency than that of other gradation is relatively higher compared with that for other gradation in the luminance characteristic". Tsuji teaches that "thereby enabling a gradation correction in which the insurance of the gradation of the black side and the suppression of the floating of the luminance level of the black side are made for in input video signal having any average luminance level. Further, it is possible to made a gradation correction in which an excessive increase of the luminance level of the white side is suppressed" (see column 9, lines 30-45). This reads on the claimed " correcting the gradation such that gradation of higher generation frequency than that of other gradation is relatively higher compared with that for other gradation in the luminance characteristic". Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have substituted the gradation correction section as taught by Tsuji to the gradation correction section of Ogawa so as to prevent the gradation from being destroyed (see column 8, lines 30-34 of Tsuji).

As to claim 3, Tsuji teaches the increasing the luminance of the gradation of high generation frequency (increasing luminance of the white side).

As to claim 4, Tsuji teaches the decreasing the luminance of the gradation of adjacent to the gradation high generation frequency (i.e. suppressing an excessive luminance of the white side).

As to claims 5 and 6, Tsuji clearly teaches black side or black color having lower luminance as recited in claim 5 and white side or white color having higher level of luminance as recited in claim 6 (see column 9, lines 30-45 and column 10, lines 45-58).

As to claims 7-8, Tsuji teaches black side having a minimum luminance (e.g., floating) and white side having maximum luminance (e.g., excessive luminance).

As to claim 12, since Tsuji teaches the device performing the same functions as the claim 12 does. Thus Tsuji's device have the same circuits as claim 12 recited.

As to claim 13, Tsuji clearly teaches coefficient correction circuit as recited in claim 13 (see column 11, lines 3-13).

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of Tsuji as applied to claims 1 and 13 above, and further in view of Yamakawa (US 2002/0033830).

As to claim 14, note the discussion of Ogawa and Tsuji above, Ogawa and Tsuji do not mention the limitation "polygonal line". Yamakawa teaches using polygonal line circuit generating polygonal points (see page 5, paragraph 0065 and 0071). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to

have used a polygonal line as taught by Yamakawa to the gradation correction section of Ogawa as modified by Tsuji so as to avoid damaging the gradation of the white peak (see page 5, paragraph 0071 of Yamakawa).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

CN
C. Nguyen
September 7, 2003

CHANH NGUYEN
PRIMARY EXAMINER